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December 14, 2015

BY ECF and Electronic Mail:

Honorable Robert E. Gerber

United States Bankruptcy Court
One Bowling Green
New York, NY 10004-1408
Chambers: (212) 668-5660
Courtroom: 523

**Re: Geltzer as Chapter 7 Trustee v. Greenwave Concepts LLC (In re Continuity X, Inc.)
Adv. Proc. No. 15-01056-reg**

Dear Judge Robert E. Gerber:

This firm is counsel to the defendant Greenwave Concepts, LLC (the "Defendant") in the above-referenced action. We are writing pursuant to Local Rule 7056-1 which requires a pre-motion conference before a Motion for Summary Judgment is filed.

The Defendant's position is that there are no genuine material facts in dispute in this case and that the case should be dismissed as a matter of law. The amount of \$84,250.10 (the "Transfers") sought to be recovered by Mr. Geltzer, in his capacity as Chapter 7 trustee (the "Plaintiff") were not made to or for the benefit of the Defendant.

As Your Honor may be aware, David Godwin, the principal of Continuity X, Inc. (the "Debtor"), has been indicted for fraud. On information and belief, Mr. Godwin's fraud involved the use of phony contracts and fictional transactions. The Defendant's name was merely utilized by Mr. Godwin to further his criminal scheme.

The Plaintiff's claims against the Defendant are based on contracts and other documents which purportedly showed transactions between the Defendant and the Debtor. However, during the course of discovery, the Defendant flatly denied that it had anything to do with the contracts and denied ever doing business with the Debtor. The Plaintiff was unable to produce any evidence to contravene the Defendant's denial. Neither was the Plaintiff able to show that any of the transfers he seeks to recover were made to the Defendant.

Fact discovery between the parties has concluded and this adversary proceeding is ripe for disposition through a summary judgment motion.

For the reasons set forth above, we are therefore, requesting a pre-motion conference for leave to file a motion for summary judgment.

Respectfully submitted,

By: /s/ Roland Gary Jones
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